



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

April 15, 2021

Via Emailed PDF

Alexandra Wilson
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: 1218 31st Street, NW (Square 1208, Lot 47).

Dear Ms. Wilson:

This letter confirms the discussion you and your architect, Rich Markus, had with zoning technician Chyna Barber on March 18, 2021, regarding a proposed addition to the existing building on the property located at 1218 31st, NW (the “**Property**”). The Property is in the MU-4 zone, and in the Georgetown Historic District. The Property is currently improved with a two-story row building (the “**Building**”) with eating/drinking use. You are proposing to construct a two-story rear addition to the Building (the **Addition**”), to increase the gross floor area to a Floor Area Ratio of 2.0.

You have asked for my determination regarding (i) confirmation that the Building may be increased to 2.0 FAR as a matter-of-right, (ii) general compliance with the development standards; and (iii) confirmation BZA relief is required for the rear yard.

FAR

Pursuant to G § 402.2 of the Zoning Regulations, in the MU-4 zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. The Property has a land area of 1,280 square feet. Because this is an existing building, the subject lot has an area less than 10,000 square feet, and the uses are limited to the ground story and the story directly above the ground story, the maximum nonresidential density may reach up to 2.0 FAR. Therefore, the proposal to construct an addition that would result in a total nonresidential FAR of 2.0 for the Building is permitted as a matter-of-right, under G § 402.2.

Building Height

The maximum permitted building height, not including the penthouse, in the MU-4 zone shall be fifty feet (50 ft.), pursuant to G § 403.1. There is no story limit in the MU-4 zone. The Building height is not changing and is well under 50 feet, at 23 feet, and the Addition is limited to 19 feet. Accordingly, the Project complies with the maximum building height requirements of the MU-4 zone.

Penthouse.

You are not proposing a penthouse.

Lot Occupancy

The Zoning Regulations only limit residential lot occupancy to 60% (G § 404.1), and non-residential buildings are permitted to have 100% lot occupancy. You are proposing a total lot occupancy of 100%. Accordingly, the Addition and existing Building comply with the lot occupancy requirements of the MU-4 Zone.

Rear Yard.

A building in the MU-4 Zone is required to provide a fifteen-foot (15 ft.) rear yard pursuant to G § 405.2. The plans show no rear yard. **You have indicated that you are pursuing BZA relief from the rear yard requirement of G § 405.2.**

Side Yard Setback.

A side yard is not required in the MU-4 zone pursuant to G § 406.1.

Parking.

Pursuant to C § 704.2, additions to historic resources shall only be required to provide parking for the addition if the addition results in at least a fifty percent (50%) increase in GFA and the resulting requirement is at least four (4) parking spaces. While you are increasing the GFA by 50% or more, the total GFA for the office/restaurant use is 2,560 square feet, which is under the threshold for triggering a parking requirement (threshold is 3,000 square feet for office and eating/drinking uses). Accordingly, there is no parking requirement for the Addition.

Bicycle Parking

Pursuant to C § 802.6, additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title. You are increasing the floor area by fifty percent (50%) or more, but as the addition is only 1,466 square feet it does

not trigger the bicycle requirements for eating and drinking establishments. Accordingly, you are exempt from bicycle parking.

Green Area Ratio

The minimum green area ratio or GAR in the MU-4 zone is 0.3. The GAR standards of Subtitle C, Chapter 6 shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application. There are exemptions for Historic Resources; however, you are increasing the GFA by 50% or more, so the exemption does not apply. Regardless, the GAR standards will only apply in this case if the additions or interior renovations exceed 100% of the assessed value of the building.

Summary

Based on the attached plans, I find that the proposed Project complies with the General Zoning Requirements and the specific MU-4 zone requirements, **except for the rear yard requirement of G § 405.2, of which you have indicated that you will apply to the BZA to ask for relief.** Assuming that you obtain relief for the rear yard from the BZA, when you file the plans for a building permit, I will approve drawings consistent with the plans attached to this letter. Please feel free to contact me for any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments: Plan Set dated 2-26-21
Plat dated 3-1-21

Zoning Technician: Chyna Barber

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

File: Det Let re 1218 31st St NW to Wilson 4-15-21